

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION

SHAWANNA NELSON

PLAINTIFF

V.

NO. 1:04cv00037 JMM-JWC

CORRECTIONAL MEDICAL SERVICES, et al

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Partial Disposition received from Magistrate Judge Jerry Cavaneau and the objections filed in response, and has further reviewed the relevant record de novo. The Findings and Recommendations are adopted in their entirety as this Court's findings.

ACCORDINGLY,

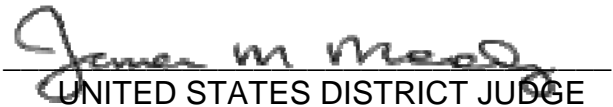
1. The Arkansas Department of Correction ("ADC") Defendants' motion to have their statement of facts deemed admitted (docket entry #67) is denied;
2. Defendant Correctional Medical Services, Inc.'s ("CMS") motion for summary judgment (docket entry #43) is granted;
3. The ADC Defendants' motion for summary judgment (docket entry #49) is granted in part and denied in part;
4. Plaintiff's claims for denial of medical care by Defendant Turnesky in connection with a missed medical appointment and retaliation by Defendant Turnesky are dismissed without prejudice on administrative exhaustion grounds;
5. Plaintiff's claims against Defendant CMS are dismissed in their entirety with prejudice;
6. Plaintiff's claims against Defendant Mobley are dismissed in their entirety with prejudice.

7. Plaintiff's labor and childbirth claims shall proceed against Defendants Norris and Turnesky;

8. Plaintiff's claim for monetary damages against Defendants Norris and Turnesky in an official capacity only is barred by the Eleventh Amendment;

9. This case remains scheduled for jury trial on July 30, 2007.

IT IS SO ORDERED this 11 day of June 2007.


UNITED STATES DISTRICT JUDGE